

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COLBERT NICHOLS,)
vs.)
JAMES HOLMES, *et al.*,)
Plaintiff,)
Defendants.)
)
Case No. 2:09-cv-01698-LDG-GWF
ORDER
Motion to Compel and for Fees and Costs
(#7) and Motion to Strike (#14)

This matter is before the Court on Plaintiff Colbert Nichols' Motion to Compel and for Fees and Costs (#7), filed December 17, 2010; Defendant's Response to Plaintiff's Motion to Compel (#11), filed January 3, 2011; Plaintiff's Motion to Strike Defendant's Response as Moot (#14), filed January 18, 2011; and Defendants' Response in Opposition to Plaintiff's Motion to Strike (#16), filed January 27, 2011.

DISCUSSION

1. Motion to Compel and for Fees and Costs

Plaintiff requests that the Court issue an order compelling Defendant to provide the real name and possible service address for Dr. John Doe #1.¹ (#7). Defendant objects to the motion because this information is equally available to Plaintiff if it is in Plaintiff's medical file with the Nevada Department of Corrections ("NDOC"). (#11 at 2-3). According to Defendant, Plaintiff may view his medical file simply by filing a request with prison officials where he is housed. (*Id.*) As information

¹ Plaintiff's motion also requested an order compelling Defendant to provide Plaintiff with the names of the members of the Utilization Review Panel. (#7 at 1). As Defendant has since disclosed these names (#11 at 2-3; #14), this particular request is now moot and will not be addressed by the Court.

1 related to the identity and possible service address of Dr. John Doe #1 may be easily accessible by
2 Plaintiff, the Court will deny his present motion without prejudice and direct him to request his medical
3 file from NDOC officials. If the medical records requested are not in the possession of the NDOC,
4 Plaintiff may subpoena the records from the Clark County Detention Center.

5 Plaintiff's request for costs and fees is denied.

6 **2. Motion to Strike**

7 Plaintiff's motion to strike Defendant's response is denied as Defendant's response was timely
8 and proper. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff Colbert Nichols' Motion to Compel and for Fees
10 and Costs (#7) is **denied**.

11 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Strike Defendant's Response as Moot
12 (#14) is **denied**.

13 DATED this 31st day of January, 2011.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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